

**Before the  
Federal Communications Commission  
Washington DC**

**In the Matter of:**

	)	
Petition for Reconsideration of a	)	
Decision of the Wireline Competition Bureau)	)	DA 19-1120
for Jacksonville, FL Public Library	)	Released October 31, 2019
	)	
	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**Petition for Reconsideration**

Jacksonville City Library, Jacksonville, FL (Jacksonville) respectfully requests reconsideration of a decision by the Wireline Competition Bureau (Commission) in accordance with 47 C.F.R § 1.106(b)(1) and/or (b)(2), Specifically, this Petition for Reconsideration relies on facts or arguments unknown to Jacksonville since the last opportunity to present them. Unknown to Jacksonville at the time of filing was a determination that the appeal was untimely filed. Jacksonville believes it qualifies under the Jefferson-Madison decision, DA 17-526 which required the Universal Services Administrative Company (Administrator) to identify similarly situated applicants and allow invoices to be paid, relieving applicants of the need to file appeals. Further, Jacksonville filed its appeal within a reasonable time of becoming aware of the SPI invoice denial. The Commission has granted waivers for exactly this situation in Erie 1 BOCES and Amanas School District 6.<sup>1</sup>

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<sup>1</sup> Erie 1 BOCES, DA 13-1923, Rel. September 18, 2013 CC Docket No. 02-6 at 2; Amanas School District 6, DA 11-2040, Rel. December 22, 2011, CC Docket No. 02-6 at 4.

Applicants are not copied on SPI notification letters and Administrator tools do not identify denied SPIs. When SPIs are denied by USAC, applicants are given absolutely no notice. In this case, AT&T failed to notify Jacksonville the SPI had been denied, failed to file an Invoice Deadline Extension request, failed to refile the SPI and failed to timely file an appeal. Further, AT&T compounded its failures by charging Jacksonville the discounted amount for service years later.

Alternatively, and in the public interest, Jacksonville asks the Commission to waive any minor program policy violation and grant this appeal restoring badly needed funding to this 80 percent discount applicant.

Requestor: Jacksonville Public Library System  
Billed Entity Number: 127585  
FCC Registration Number 0012774303  
Funding Request Numbers: 2486072  
Form 471 Numbers: 893171

### **Background**

Jacksonville Public Library System, (Jacksonville), submitted FCC Form 471 #893171 on March 8, 2013 and was issued a Funding Commitment Decision Letter on May 29, 2013. The Library notified BellSouth Telecommunications, LLC, (AT&T), of their desire to receive E-rate discounts via Service Provider Invoice method and, in accordance with FCC rules Jacksonville paid the non-discount portion of all their invoices for the year. AT&T accepted responsibility to invoice USAC via the SPI method of invoicing. Jacksonville received services from BellSouth Telecommunications, LLC, (AT&T), as part of an agreement for Internet access for their libraries from July 1, 2013 through June 30, 2014.

AT&T emailed Michael Turner, with the City of Jacksonville, on December 16, 2013 (see Attachment A) to “advise that BellSouth has activated” Jacksonville’s “E-Rate benefits (credits) for Jacksonville Public Library System FRN(s): 2486072. This activation is based upon the grid customer information we received and reviewed with you. Benefits should appear on your February 2014 bill. This initial benefit is retroactive to the start of plan year, July 2013. Subsequent E-Rate benefits will post monthly to your bill.”

In October 2016, Jacksonville noticed a charge of \$130,732.51, on its invoice, in addition to the regular monthly charges. Mr. Turner, City of Jacksonville, began reaching out to AT&T to inquire as to the nature of the charge. AT&T responded to Mr. Turner in February, 2017 with an answer to the charges. Based on information provided by AT&T to Jacksonville, the FCC Form 474 for FRN 2486072 was submitted prior to the invoicing deadline for FY 2013 and subsequently denied by USAC due to “services to entity not approved on Form 471.

## **Discussion**

The Commission has held in numerous decisions that it is in the public interest to waive the 60-day appeal deadline when the aggrieved party was unaware of an Administrator decision and submitted an appeal “...within a reasonable period of time after receiving actual notice of the adverse earlier decision by USAC.”<sup>2</sup>

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<sup>2</sup> Erie 1 BOCES, DA 13-1923, Rel. September 18, 2013 CC Docket No. 02-6 at 2; Amanas at 4.

The record clearly shows Jacksonville was unaware of a SPI funding denial or the AT&T failure to either file an Invoice Deadline Extension request or appeal the denied SPI invoice. Jacksonville first became aware of the Administrator decision in an email from AT&T dated February 2, 2017 from Chris Wadley, AT&T Account Manager detailing the 2013 Invoice denial.

When discounts are applied for E-Rate eligible services, applicants are not notified by the Administrator when SPI payments are made to service providers. Similarly, when SPI invoices are denied, applicants are not notified by the Administrator. Further, Administrator online tools in either the legacy system or E-Rate Productivity Center (EPC) portal do not identify zero passed SPIs.

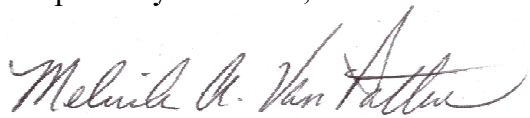
Jacksonville's first notice of a denied SPI invoice was the February email from AT&T detailing the AT&T charge of \$130,732.51 on the October 2016 bill. Jacksonville questioned the charge which was finally explained in the February 2017 email. Jacksonville filed an appeal with the Administrator as soon as possible after researching facts, engaging the services of a consultant, and exhausting all avenues of recourse with AT&T for its failure to timely respond to the invoice denial or timely notify Jacksonville. The email and background are attached with this appeal as Attachment B.

## **Conclusion**

Based on precedent and AT&T's failures to timely notify Jacksonville of the SPI invoice denial, we ask the Commission to overturn the WCB decision on appeal and restore badly needed funding to the library. Based on AT&T's failures to timely notify Jacksonville of the SPI invoice denial, current policy (that applicants are given no notice when SPI's are denied by USAC) and

historical precedent we ask the Commission to overturn the WCB decision on appeal and restore badly needed funding to the library. AT&T failed to notify Jacksonville the SPI had been denied, failed to file an Invoice Deadline Extension request, failed to refile the SPI and failed to timely file an appeal. Jacksonville was not the party at fault in this case and had no reasonable expectation of the necessity to file an appeal with the Administrator or Commission resulting from AT&T failures. Jacksonville became the aggrieved party when AT&T compelled Jacksonville to repay lost E-Rate funds two years after the initial denial.

Respectfully submitted,

A handwritten signature in dark ink, reading "Melinda A. Van Patten". The signature is fluid and cursive, with the first name "Melinda" and last name "Patten" being more prominent than the middle initial "A.".

Melinda A. Van Patten, CEMP  
Director, E-Rate Central  
Consultant for Jacksonville Public Library System